



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph C. Lee

) February 12, 2007

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Appl. No.: 10/670,873

) Attorney Docket No. RAR379.01

)

Filing Date: 09/25/2003

) Group Art Unit 2681

)

Title: Wafer Mobile Phone Platform System

) Examiner: Le, Lana N.

Commissioner for Patents
Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR § 1.131

Declaration of Joseph C. Lee

I, Joseph C. Lee, declare as follows:

1. I am a resident of the County of Fresno, State of California. The following facts are within my personal knowledge, except those matters stated on information and belief and, as to those matters, I believe them to be true. If called upon as a witness, I could and would competently testify to the facts set forth below.

2. I am the inventor of the above-identified application, filed on September 25, 2003. As set forth in more detail below, I conceived of and reduced to practice the invention that is the subject of our patent application prior to the priority dates of U.S. Publication No. 2005/0037709 (August 14, 2003) and U.S. Publication No. 2004/0185777 (February 28, 2003), which are cited by the Examiner in the Office Action of May 12, 2006. Certain facts presented herein are further supported by the Declaration of Richard A. Ryan, my attorney, filed herewith.

3. In April of 2002, I started thinking about a small mobile phone device that would be configured to clip to a belt or fit in a small pocket which would be used with a Bluetooth ear piece for communication purposes. Although at the time Bluetooth earpiece devices were just beginning to be available, I believed that the technology was going in the wrong direction. In particular, it seemed to me that mobile phones were getting more complex and more expensive while at the same time the upgrade cycle between models was getting shorter and shorter. What I wanted was a mobile phone that was small, light and useable like a regular cellular phone but without the keypad and many of the other buttons normally found on cellular phones, but which could be linked by insertion, docking or Bluetooth into another device to allow the other device to use the communications capability of the mobile phone wafer (as I came to call it). My concept was that various devices could be made to accept or cooperate with the mobile phone wafer to enhance the device with the wafer's communication capability, which would allow less expensive upgrades on a shorter time frame. I considered the wafer would be useful for devices including, but not limited to, a camera, video camera, phone body, base station to interface with a VOIP system, laptop, car dash, PDA and tablet computer.

4. I began talking to colleagues about my desires for the mobile phone wafer and system and began to more specifically form up in my mind the features now included in the claims of my patent application.

5. In December 2003, I spoke with one of my clients, Adam Knot, who is a successful businessman about my mobile phone wafer system. He expressed an interest in

maybe sometime "working on it" with me. Also during December 2002, I discussed my wafer phone system concept with my brother, Jeff Lee.

6. In January 2003, I mentioned my concept to Mr. Curtis Smith, a colleague of mine, and the fact that one of my clients might be interested in investing in getting a patent on the concept. Mr. Smith expressed an interest in the wafer concept as well and, over the next couple of months, we had talks to pertaining pursuing patent protection for the concept and forming a partnership to seek the patent and exploit the its potential.

7. In approximately mid-March 2003, my brother telephoned me and mentioned that he saw a new chipset from Texas Instrument referred to as Wanda that he thought might have some bearing on my wafer system. He referred me to an article, a copy of which is attached hereto as Exhibit 1, that I looked at and determined was not the same concept as my wafer system.

8. During the period of June 13 through June 17, 2003, I had several email communications with Crispin Morey, a business associate of mine, regarding the details of my wafer phone system and a possible business arrangement to exploit the invention. A copy of the email correspondence is attached hereto as Exhibit 2.

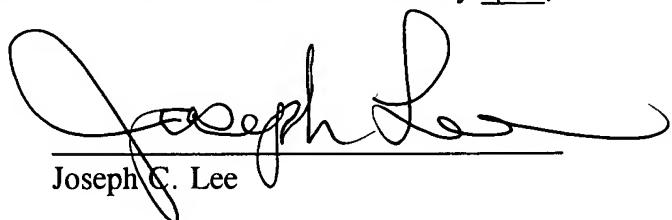
9. In approximately late June 2003, I asked some lawyer friends of mine if they did patent work. They did not, but referred me to an attorney named Richard A. Ryan, who at the time was a principal in the law firm Ryan & Engnath. I contacted Mr. Ryan with regard to scheduling a meeting to discuss protecting my invention.

10. I met with Mr. Ryan in July 2003 to discuss my invention and obtain a patentability search for a possible patent application. Based on information provided to me, Mr. Ryan requested a search of the PTO records and prepared a report summarizing those results, which report was provided to me in a letter dated August 9, 2003. Based on the results of the patentability search, I instructed Mr. Ryan to prepare a patent application, which was filed with the PTO on September 25, 2003.

11. After filing the patent application directed toward my mobile phone wafer system, I continued to develop and attempt to exploit my invention. I contacted an illustrator to prepare drawings of my basic concept and contacted Rudi Moreno with Motorola about their possible interest in the invention.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 12, 2007, in Fresno, California.


Joseph C. Lee

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TI unveils a design called Wanda

By Ben Charny

Staff Writer, CNET News.com

Published: March 17, 2003, 6:41 AM PST

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update NEW ORLEANS--Texas Instruments has introduced a new chipset and related design for making cell phones that can connect with three different kinds of wireless networks.

The design package, called Wanda, is meant to create a cell phone that TI said would connect to each of these technologies: a Wi-Fi hot spot, which uses the 802.11b standards; a cell phone network using GSM (Global System for Mobile Communications); and any device using the short-range wireless standard called Bluetooth. TI says it is the first to combine all three in a single design.

Many phone makers, including Nokia, Motorola and Sony Ericsson, already make phones that can connect to a GSM network and use Bluetooth for wirelessly connecting to other devices at short range, said Nokia spokesman Keith Nowak.

But TI and other companies trying to shoehorn Wi-Fi into cell phones will likely run into some problems with battery life, Nowak said. Wi-Fi is a notorious power drain because it constantly forces a device to look for a network to log onto. Putting Wi-Fi into phones poses a significant challenge because the phones have an even shorter battery life than laptops, millions of which are used to connect to Wi-Fi networks, Nowak said.

A TI representative said the company is already working on power-saving

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Put
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Joe Lee <joleeco@gmail.com>

wafer

1 message

Joe Lee <joleeco@gmail.com>
To: joleeco@gmail.com

Sun, Feb 11, 2007 at 3:07 PM

From: joe@imacbutton.com
Subject: Re: You rang sir...
Date: June 17, 2003 8:59:18 AM PDT
To: crip@mac.com

Hi Crip,

I think that your right about the latest and greatest. Here goes....
This phone would end all others.

This phone has no keys... no screen.... no speaker.... Just a battery and the phone circuit and Bluetooth. It is the size of a battery pack on today's phones. It is a sender and receiver for your existing bluetooth PDA. You use it with it's wireless earpiece or a wired one if you wish. The battery lasts a week between charges.

The concept is that PDA with phones are too big and clunky. Phones with the PDA function don't work like they should and like you say, a new and better phone comes out every six months.

This phone though separates the features from the phone. What ever your PDA does is what your phone can do. New PDA, new and better features, same phone.

Here's the kicker. The phone has a dock. The dock looks a lot like a regular cell phone with keys and screen. The "Wafer" fits in the back like a battery and makes a complete phone. It is sold separately for those who want the option to leave the PDA behind. The great thing about the dock is that it provides an upgrade path that customers to really customize their phone. At some point a real PDA could be made small enough to accept the "Wafer" and complete the package. When a new and better PDA comes out the "wafer" is transferred to the new gadget. I imagine that some folks would want both a PDA dock and a Phone dock.

The phone would also connect and interface with your PC or laptop with a cable and provide a dial up connection or a data link. It would interface with the address book and allow dialing from the PC.

I think your right thought we need a established company to take this and run. If you can use your contacts to make a deal I would be happy to partner with you in way you reckon is fair. I think there is enough to go around here if it gets off the ground without being hijacked by a big company. I can already see Steve Jobs presenting this as the new Apple phone. It would fit their design innovation culture very well.

Well, I have babbled on enough to give you the idea. Let me know what you think.
Joe

On Tuesday, June 17, 2003, at 08:07 AM, Crispin Moorey wrote:

Hi Joe,
concept to manufacture of a cellphone? Hmm, sounds like a job for Sony or Ericsson to me. To be honest, there's no money in any but the latest handsets. Not out here at-least. The real money is in the services. I think you'd be hard pressed to build a company on the strength of one model of phone... most phones out here have a life of 6 months, at best, before the newest, snazziest model to kill all predecessors, comes out.

We're currently looking at megapixel camera, streaming video, web surfing, swivel screen (hold horizontally when using as a camera), audio-memo recording, game playing (millions of colors), radio-control car controling, attach to a printer, schedule and address book, calculator, two screen (front and back) cell phones (K-tai in Japanese) out here. The only thing missing really is an MP3 playing one... soon to be released no doubt.

I reckon you'd be best off trying to interest an existing player in the market to make/buy your idea. Better be fast though, someone else will probably have the same idea in a matter of weeks :(

Hope I'm not putting you off, but if you want to persue the idea, let me have a bit more info and I'll see if I can find anyone at one of the big companies that might be interested.

1% sound ok? ;)

Crip

On Monday, June 16, 2003, at 05:32 am, Joe Lee wrote:

Hi Crispin,
What are you up to these days? I was writing because I have an Idea for a cell phone and I wondered if you and Uchishiba san might be able to help get it together. I guess I am a little late for that. I wanted to partner with somebody who could go from concept to manufacture and possible international marketing. So... thats why I say , What are you up to?

Joe

On Friday, June 13, 2003, at 05:24 PM, Crispin Moorey wrote:

Hey Joe, how goes?

Uchishiba san forwarded your message to me, though I no longer work there.

What can I do for you?

Crispin

Does Crispin Morey still work with you. If so please have him contact me.

Joe Lee
Joe@imacbutton.com

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Remember, amateurs built the Ark. Professionals built the Titanic...

<http://crip.moorey.net>

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"You can't be a Real Country unless you have a beer and an airline. It helps if you have some kind of a football team, or some nuclear weapons, but at the very least you need a beer." -- Frank Zappa

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